

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NELSON RODRIGUEZ**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

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**CIVIL ACTION**

**No. 08-4470**

**ORDER**

AND NOW, this 18<sup>th</sup> day of March, 2010, upon consideration of plaintiff's motion for summary judgment and request for review [paper no. 7] and the defendant's response thereto [paper no. 10], and after careful review of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Plaintiff's motion for summary judgment and request for review is **DENIED**; and
3. Judgment shall be entered in this matter in favor of the **DEFENDANT**.

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/s/ Norma L. Shapiro  
S.J.